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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/594,687

06/07/2007

Hiroshi Yahata

P37916-03

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09/30/2009

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WASHINGTON, DC 20036

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

09/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/594,687 | <b>Applicant(s)</b><br>YAHATA ET AL. |  |
|                              | <b>Examiner</b><br>HUY T. NGUYEN     | <b>Art Unit</b><br>2621              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/09, 01/22/09, 9/28/06</u> .                              | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 and 9 are rejected under 35 U.S.C. 101 because :

Claims 1-3 direct to information on a medium without specifying functional relationship to the medium to control the medium or read out the information . Further the information can be information printed on a paper (an image)

Claim 9 directs to a program without specifying that the program is encoded and stored on a computer readable medium . See MPEP 2100.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Seo (20040001700).

Regarding claim 4, Seo teaches . A playback apparatus (Fig. 7)for executing playback of a video stream recorded on a recording medium, comprising:  
a reading unit (2,3) operable to read pictures contained in the video stream from the recording medium;  
a playback unit (406,10) operable to play back pictures contained in the video stream;  
and a control unit, wherein the recording medium has a playlist information and an entry map recorded thereon (Figs. 5-6 and 8),  
the playlist information (Fig. 2-3 , sections 0033-0035)defines a playback path by indicating a sequence of one or more pairs of a playback start time and a playback end time within the video stream,  
the entry map indicates a plurality of entry points in the video stream, in one-to-one correspondence with a plurality of entry times and flags (Fig. 8, section 0051), and  
in response to a request for playback following the playback path, the control unit is operable to (i) specify a nearby entry time to a playback start time of the playback path (0031), from among entry times corresponding to a flag set to ON, and (ii) instruct the reading unit to start reading from an entry point corresponding to the specified entry time (Fig. 8, section 0057).

Method claims 9 and 10 correspond to apparatus claim 4. Therefore method claims 9 and 10 are rejected by the same reason as applied to apparatus claim 4.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo ( 20040001700) in view of Adachi (7,346,216).

Regarding claim 1 , Seo teaches a recording medium having a video stream, playlist information, and an entry map recorded thereon, wherein the playlist information defines a playback path by indicating a sequence of one or more pairs of a playback start time and a playback end time within the video stream (section 0031-0035), the entry map indicates a plurality of entry points in the video stream, in one-to-one correspondence with a plurality of entry times and flags,

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Seo does not teach using flags and each flag indicates whether an intra picture located at a corresponding entry point for causing a decoder refresh. Adachi teaches generating flags and each flag indicates whether an intra picture located at a corresponding entry point is for causing decoder refresh (Fig. 12, column 13, lines 4-15).

It would have been obvious to one of ordinary skill in the art to modify Seo with Adachi by providing the flags as taught by Adachi to the medium of Seo thereby enhancing the decoding of the video stream.

Regarding claim 2, Seo as modified with Adachi teaches the recording medium according to Claim 1, wherein (section 0033) the playlist information indicates the sequence of a plurality of pairs of a playback start time and a playback end time (0031), and a location of an intra picture for causing decoder refresh coincides with a playback start time of a first pair in the sequence (Seo, section Adachi column 13, lines 25-45).

Regarding claim 3, Seo as modified with Adachi teaches wherein each pair of a playback start time and a playback end time constitutes a piece of playback section information defining one playback section (section 0031), the recording medium further having mark information recorded thereon, wherein the mark information defines a chapter point in a playback section, using (i) an identifier of a corresponding piece of playback section information and (ii) time information of a video stream used in the piece of playback section information, and a location of an intra picture for causing decoder refresh coincides with the chapter point (Seo, section 0033, 0041, Adachi column 13, lines 25-45).

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Regarding claim 5, Seo does not teach using flags and each flag indicates whether an intra picture located at a corresponding entry point for causing a decoder refresh. Adachi teaches generating flags and each flag indicates whether an intra picture located at a corresponding entry point is for causing decoder refresh (Fig. 12, column 13, lines 4-15).

It would have been obvious to one of ordinary skill in the art to modify Seo with Adachi by providing the flags as taught by Adachi to the medium of Seo thereby enhancing the decoding of the video stream.

#### ***Allowable Subject Matter***

6. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Setoguchi teaches clear memory when changing the type of decoding pictures.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621